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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,404	03/08/2000	Michael G Martinek	PA0389.ap.US	1301
7590	05/13/2004		EXAMINER	
Michael R. Hull Marshall, Gerstein & Borun LLP 6300 Sears Tower 233 South Wacker Drive Chicago, IL 60606-6357			VAUGHAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2131	15
DATE MAILED: 05/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

X

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/520,404	MARTINEK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael R Vaughan	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**Detailed Office Action**

Claims 1-39 have been fully reconsidered and are pending.

***Response to Amendment***

Applicant has amended claim 14 in response to a 35 USC 112 2<sup>nd</sup> paragraph rejection. Henceforth that rejection is removed. Applicant intended to amend claim 23 to likewise overcome the 35 USC 112 2<sup>nd</sup> rejection but has added a limitation that does not clarify the indefiniteness. Claim 23, in the preamble, references hashing the stored data. There is no antecedent basis for this reference in claims 16. Therefore the 112 2<sup>nd</sup> rejection still applies. Clarification is required.

***Response to Arguments***

Applicant's arguments filed 3-15-04 have been fully considered but they are not persuasive. Applicant argues on pages 16-18 of the immediate response that Alcorn (USP 5,643,086) fails to teach or suggest that verification of the memory is performed during game play. Examiner respectfully disagrees based on reconsideration of the Alcorn teaching. Specifically in column 5, line 42, Alcorn explicitly teaches that the ROM can be verified at any time, including during runtime. Runtime is any time at which the apparatus is operating which definitely includes during game play. This teaching then applies to all of the claims, which have been amended to include verifying

memory during game play. Henceforth, the rejection under 35 USC 102(b) is valid because Alcorn still anticipates all of the limitations of the amended claims.

***Claim Rejections - 35 USC § 102***

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Alcorn et al (USP 5,643,086).

As per claims 1 and 16, Alcorn et al teach:

A computerized game controller having a processor, memory, and nonvolatile storage and operable to control the computerized wagering game (column 1, lines 9-11);

Game data stored in the nonvolatile storage where in the game data stored in the nonvolatile storage is verified during operation (column 2, lines 35-37).

As per claims 2, 21, and 22, Alcorn et al teach game data securely stored in the nonvolatile storage is hashed with a one-way hash function and a resulting hash value is compared to a reference hash value to ensure that the gaming program has not changed since calculation of the reference hash value (column 2, lines 37-40).

As per claims 3, 23, 33, and 35, Alcorn et al teach the game data is hashed after loading the gaming program into random access memory and the resulting hash value

is compared to a reference hash value in a continuously executing program thread executing on the computerized game controller (column 2, lines 35-65).

As per claims 4 and 24, Alcorn et al teach the computerized wagering game system is brought to a tilt state if the resulting hash value is not the same as the reference hash value (column 2, lines 60-65 and column 8, lines 20-25).

As per claims 5 and 27, Alcorn et al teach the reference hash value is stored in a nonvolatile memory comprising a part of the computerized wagering game apparatus (column 2, lines 35-40).

As per claims 6 and 28, Alcorn et al teach a system handler application loads and executes encryption functions which are subsequently used to securely load other game data from nonvolatile storage (column 2, lines 44-55).

As per claims 7, 25, and 36, Alcorn et al teach the game data securely stored in the nonvolatile storage via encryption is signed with a digital signature (column 2, lines 51-57).

As per claims 8, 26, and 37, Alcorn et al teach the digital signature comprises encryption of the gaming program data with a signer's private key (column 2, line 66—column 3, line 11).

As per claims 9 and 27, Alcorn et al teach a nonvolatile memory storing a public key corresponding to the signer's private key (column 2, line 66—column, line 11).

As per claims 10, 28, and 38, Alcorn et al teach the digital signature comprises encryption with a signer's private key of a hash value produced by hashing the gaming program data with a one-way hash function (column 4, lines 25-35).

As per claims 11 and 29, Alcorn et al teach a nonvolatile memory storing a public key corresponding to the signer's private key (column 3, lines 3-5).

As per claim 12, Alcorn et al teach gaming program data signed with a digital signature is signed with a digital signature from a regulatory organization, thereby, signifying organization approval of the gaming program data (column 3, lines 1-2 and column 8, lines 54-62).

As per claims 13, 14, 30, and 31, Alcorn et al teach the computerized game controller is a general-purpose computer including one that is IBM-PC compatible (column 6, lines 3-25).

As per claims 15, 17, and 34, Alcorn et al teach a network interface connecting the computerized wagering game apparatus to a networked computer (FIG. 1)

As per claims 18, 19, and 20, Alcorn et al teach data communicated over the network comprises instructions, shared objects, and reported data (column 9, lines 50-58 and column 8, lines 54-62).

As per claim 32, Alcorn et al teach encrypting data comprises use of a symmetric encryption algorithm to encrypt data (column 10, lines 20-30).

As per claim 39, Alcorn et al teach:

A computerized game controller having a processor, memory, and nonvolatile storage and operable to control the computerized wagering game (column 1, lines 9-11);

Game data stored in the nonvolatile storage where in the game data stored in the nonvolatile storage is verified during operation (column 2, lines 35-37);

game data securely stored in the nonvolatile storage is hashed with a one-way hash function and a resulting hash value is compared to a reference hash value to ensure that the gaming program has not changed since calculation of the reference hash value (column 2, lines 37-40);

the digital signature comprises encryption with a signer's private key of a hash value produced by hashing the gaming program data with a one-way hash function (column 4, lines 25-35);

decrypting the message digest and decryption programs (column 2, lines 41-65 and column 8, line 63—column 9, line 26).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

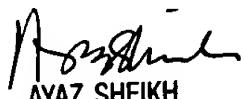
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan  
Examiner  
Art Unit 2131

MV



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